

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Clarence Telephone Company, Inc. d/b/a Cedar) File No. EB-02-MDIC-0040
Communications v. AT&T Corp.)
)

ORDER

Adopted: February 26, 2003

Released: February 27, 2003

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On April 4, 2002, pursuant to section 1.716 of the Commission rules,¹ Clarence Telephone Company, Inc. d/b/a Cedar Communications (“Cedar”) filed an informal complaint against defendant AT&T Corp. (“AT&T”) in the above-captioned matter. On July 19, 2002, AT&T filed a report pursuant to section 1.717 of the Commission’s rules² denying the allegations in Cedar’s informal complaint. Pursuant to section 1.718 of the Commission’s rules,³ Cedar is required to convert its informal complaint into a formal complaint within six months from the date of AT&T’s report to ensure that the formal complaint relates back to the April 4, 2002 filing date of the informal complaint for purposes of the statute of limitations. The Commission previously granted Cedar’s consent motions for additional time to convert its informal complaint, allowing Cedar until February 28, 2003 to file a formal complaint.⁴

2. Cedar and AT&T have settled the disputed issues raised in Cedar’s informal complaint, and are in the process of executing a settlement agreement and satisfying its terms.⁵ Accordingly, Cedar requests another waiver of section 1.718 of the Commission’s rules and an extension of time until March

¹ 47 C.F.R. § 1.716.

² 47 C.F.R. § 1.717.

³ 47 C.F.R. § 1.718.

⁴ *Farmers’ and Business Mens’ Telephone Co., et al. v. AT&T Corp.*, File Nos. EB-02-MDIC-003, 007, 0040, Order, DA 03-358(EB-MDRD rel. Feb. 6, 2003); *Farmers’ and Business Mens’ Telephone Co., et al. v. AT&T Corp.*, File Nos. EB-02-MDIC-003, 007, 0040, Order, DA 03-170 (EB-MDRD rel. Jan. 22, 2003); *Clarence Telephone Company, Inc. d/b/a Cedar Communications v. AT&T Corp.*, File No. EB-02-MDIC-0040, Order, DA 02-3492 (EB-MDRD rel. Dec. 20, 2002).

⁵ Fourth Consent Motion of Complainant For Extension of Time In Which To Convert Informal Complaint To Formal Complaint and Toll Limitations Period, *Clarence Telephone Company, Inc. d/b/a Cedar Communications v. AT&T Corp.*, File No. EB-02-MDIC-0040 (filed Feb. 25, 2003) (*Consent Motion*) at 2.

21, 2003 to convert its informal complaint against AT&T into a formal complaint, if necessary.⁶ Counsel for AT&T has consented to Cedar's request.⁷

3. We are satisfied that granting Cedar's consent motion will serve the public interest by promoting the private resolution of disputes and by postponing the need for further litigation and expenditure of further time and resources of the parties and of this Commission until such time as may actually be necessary.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3 and 1.718 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.718, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Fourth Consent Motion of Complainant For Extension of Time In Which To Convert Informal Complaint To Formal Complaint and Toll Limitations Period IS GRANTED.

5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3 and 1.718 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.718, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that, unless otherwise extended by order, the deadline that would otherwise apply under section 1.718 of our rules, 47 C.F.R. § 1.718, is hereby waived, and the date on which Clarence Telephone Company, Inc. d/b/a Cedar Communications must convert its informal complaint against AT&T Corp. into a formal complaint pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, is extended to **March 21, 2003**.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division
Enforcement Bureau

⁶ *Consent Motion* at 2.

⁷ *Id.*